

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff

v.

JOSE IGNACIO TORRES-NAZARIO,

Defendant.

CRIMINAL NO. 17-84 (DRD)

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on August 16, 2017, defendant Jose I. Torres-Nazario (hereinafter referred to as “Torres-Nazario”) pled guilty to Counts One (1) and Two (2) of the Indictment charging defendant with violations to 21 U.S.C. §§ 841 (a) (1) and 841 (b) (1) (D) – Possession with intent to distribute less than one (1) kilogram of marihuana; and 18 U.S.C. §§ 924 (c) (1) (A) (i) – Possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, defendant Torres-Nazario agreed to forfeit all of his right, title, and interest in the following property: One revolver, .38 caliber, serial number has been obliterated, six (6) rounds of .38 caliber ammunition, and one (1) round of .40 caliber ammunition;

AND WHEREAS, the United States has made a sufficient showing of the forfeitability of the above-mentioned property;

AND WHEREAS, the Court has jurisdiction pursuant to 18 U.S.C. § 924 (d); 28 U.S.C. § 2461 (c); 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure to order the defendant, as part of the sentence, to forfeit the above-described property; accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED:

1. That the United States is now entitled to possession of the above mentioned property, free and clear, pursuant to 18 U.S.C. § 924 (d); 28 U.S.C. § 2461 (c); 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, and any and all of the defendant's rights, titles and interests in the property are forfeited to the United States.

It is further ORDERED that the United States is authorized to seize the property for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 924 (d); 28 U.S.C. § 2461 (c); 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure.

2. Upon the issuance of a Preliminary Order of Forfeiture, the United States will publish notice of the Order in the official government internet site, (www.forfeiture.gov), as required by 21 U.S.C. § 853 (n). Notice of this Order will include notice of the Immigration and Customs Enforcement, Homeland Security Investigations (ICE-HSI) intent to dispose of the property in a manner directed by the Attorney General. The United States will send direct notice to any person, other than the defendant Jose I. Torres-Nazario, having or claiming a legal interest in the property, advising such person of his or her right to file a petition with the Court to contest the forfeiture in accordance with 21 U.S.C. § 853 (n) and Rule 32.2 (c) of the Federal Rules of Criminal Procedure. Copy of any petition should be served on David Henek, Assistant United States Attorney, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice: will state that the petition is for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's rights, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

3. Upon adjudication of all third-party interests, the court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 924 (d); 28 U.S.C. § 2461 (c); 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure in which all interests will be addressed.

IT IS SO ORDERED.

San Juan, Puerto Rico, June 28, 2018.

S/ Daniel R. Dominguez

DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE